



JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrick Miles et al.

Title: SURGICAL ACCESS SYSTEM AND RELATED METHODS

Docket No.: 014US1

Serial No.: 10/789,797

Filed: February 27, 2004

Due Date: N/A

Examiner: Unknown

Group Art Unit: 3762

MS Amendment

Commissioner for Patents

P.O. Box 1450

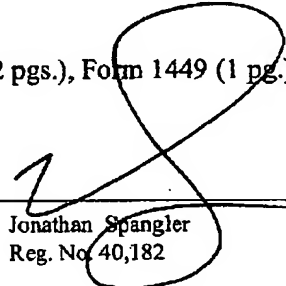
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard and this transmittal document.
- ☒ An Supplemental Information Disclosure Statement (2 pgs.), Form 1449 (1 pg.), and copies of 13 cited documents.

Customer Number: 30328

By


Jonathan Spangler
Reg. No. 40,182

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19 day of May, 2005.

MEREDITH MESCHER

Name



Signature

(GENERAL)



S/N 10/789,797

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Patrick Miles et al.	Examiner:	Unknown
Serial No.:	10/789,797	Group Art Unit:	3762
Filed:	February 27, 2004	Docket:	014US1
Title:	SURGICAL ACCESS SYSTEM AND RELATED METHODS		

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the referenced materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Supplemental Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 50-2040 in order to have this Supplemental Information Disclosure Statement considered.

Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications are no longer required to be provided to the Office. Notification of this change was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004. Thus, Applicant has not included copies of any US Patents or Published Applications cited with this submission. Should the Office require copies to be provided, Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

telephone number if there are any questions regarding this communication.

Respectfully submitted,

PATRICK MILES ET AL.

By their Representatives,

CUSTOMER NUMBER: 30328
858-909-1807

Date 5-18-05

By [Signature]
Jonathan Spangler
Reg. No. 40,182

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of May, 2005.

MEREDITH MESCHER
Name

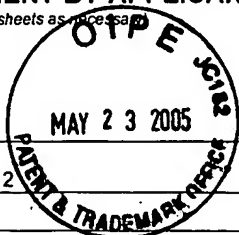
[Signature]
Signature

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Complete if Known

Application Number	10/789,797
Filing Date	February 27, 2004
First Named Inventor	Miles, Patrick
Group Art Unit	3762
Examiner Name	Unknown
Attorney Docket No:	014US1

Sheet 1 of 2

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	US-1,548,184	08/04/1925	Cameron, W. J.	
	US-20050004623A 1	01/06/2005	Miles, P., et al.	
	US-20050075578A 1	04/07/2005	Gharib, J., et al.	
	US-2,808,826	10/08/1957	Reiner, S., et al.	
	US-4,164,214	08/14/1979	Stark, M. M., et al.	
	US-4,461,300	07/24/1984	Christensen, J. M.	
	US-5,480,440	01/02/1996	Kambin, P.	
	US-5,759,159	06/01/1998	Masreliez, C. J.	
	US-5,785,658	07/28/1998	Benaron	
	US-5,862,314	01/19/1999	Jeddeloh	
	US-5,872,314	02/16/1999	Clinton	
	US-5,928,139	07/27/1999	Koros, T. B.	
	US-6,206,826	03/27/2001	Mathews, H., et al.	
	US-6,334,068	12/25/2001	Hacker, D. C.	
	US-6,760,616	07/06/2004	Hoey, M. F., et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
	WO-03037170A3	05/08/2003	Miles, P., et al.		

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		"Brackmann II EMG System", <u>Medical Electronics</u> , (1999), 4 pages	
		"Neurovision SE Nerve Locator/Monitor", <u>RLN Systems, Inc. Operators Manual</u> , (1999), 22 pages	
		"The Brackmann II EMG Monitoring System", <u>Medical Electronics Co. Operator's Manual Version 1.1</u> , (1995), 50 pages	
		"The Nicolet Viking IV", <u>Nicolet Biomedical Products</u> , (1999), 6 pages	
		ANDERSON, D. G., et al., "Pedicule screws with high electrical resistance: a potential source of error with stimulus-evoked EMG", <u>Spine</u> , 27(14), Department of Orthopaedic Surgery, University of Virginia, (Jul 15, 2002), 1577-1581	
		DANESH-CLOUGH, T., et al., "The use of evoked EMG in detecting misplaced thoracolumbar pedicle screws", <u>Spine</u> , 26(12), Orthopaedic Department, Dunedin Hospital, (Jun 15, 2001), 1313-1316	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional) ² Applicant is to place a check mark here if English language Translation is attached

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/789,797
Filing Date	February 27, 2004
First Named Inventor	Miles, Patrick
Group Art Unit	3762
Examiner Name	Unknown

Sheet 2 of 2

Attorney Docket No: 014US1

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		DARDEN, B. V., et al., "A comparison of impedance and electromyogram measurements in detecting the presence of pedicle wall breakthrough", <u>Spine</u> , 23(2), Charlotte Spine Center, North Carolina, (Jan 15, 1998), 256-262	
		EBRAHEIM, N. A., et al., "Anatomic relations between the lumbar pedicle and the adjacent neural structures", <u>Spine</u> , 22(20), Department of Orthopaedic Surgery, Medical College of Ohio, (Oct 15, 1997), 2338-2341	
		HAIG, "Point of view", <u>Spine</u> 27 (24), 2819	
		HAIG, A. J., et al., "The relation among spinal geometry on MRI, paraspinal electromyographic abnormalities, and age in persons referred for electrodiagnostic testing of low back symptoms", <u>Spine</u> , 27(17), Department of Physical Medicine and Rehabilitation, University of Michigan, (Sep 1, 2002), 1918-1925	
		HOLLAND, N. R., et al., "Higher electrical stimulus intensities are required to activate chronically compressed nerve roots. Implications for intraoperative electromyographic pedicle screw testing", <u>Spine</u> , 23(2), Department of Neurology, Johns Hopkins University School of Medicine, (Jan 15, 1998), 224-227	
		MINAHAN, R. E., et al., "The effect of neuromuscular blockade on pedicle screw stimulation thresholds", <u>Spine</u> , 25(19), Department of Neurology, Johns Hopkins University, School of Medicine, (Oct 1, 2000), 2526-2530	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional) ² Applicant is to place a check mark here if English language Translation is attached